



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

DOCKET NO.: CAA-08-2002-10

IN THE MATTER OF:

DEVON SFS OPERATING, INC.

Respondents

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FINAL ORDER

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

January 21, 2003
DATE

SIGNED _____
Alfred C. Smith
Regional Judicial Officer





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Docket No. CAA-08-2002-10

In the Matter of:

Devon SFS Operating, Inc.

Respondent.

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CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Devon Energy Production Company, L.P. successor in interest to Devon SFS Operating, Inc., by their undersigned representatives, hereby consent and agree as follows:

1. On or about September 6, 2002, Complainant issued a Complaint alleging certain violations of Respondent's operating permit issued under the Clean Air Act (CAA), 42 U.S.C. 7401 et seq., and its implementing regulations. The Complaint proposed a civil penalty for the violations alleged therein.
2. In its answer to the Complaint, Respondent admitted to jurisdiction as well as the violations contained in Counts 1 through 4 of the Complaint, but contested the amount of the proposed penalty.
3. Respondent waives its right to a hearing before any tribunal and therefore waives its right to contest any issue of law or fact set forth in the Complaint.
4. This Consent Agreement, upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.
5. This Consent Agreement contains all terms of the settlement agreed to by the parties.
6. Respondent consents and agrees that not more than 30 days after Respondent's receipt of a signed final order in this matter, Respondent shall pay a civil penalty in the amount of seventy-seven thousand (\$77,000.00) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:



Mellon Bank
EPA Region VIII
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA. 15251

The check shall reference the name and address of Respondent's facility and the EPA docket number of this action. A copy of the check shall be sent simultaneously to:

Brenda South
Technical Enforcement Program (8ENF-T),

Marc Weiner
Legal Enforcement Program (8ENF-L), and

Tina Artemis,
Regional Hearing Clerk (8RC), at the following address:

U.S. EPA Region VIII
999 18th Street, Suite 300
Denver, Colorado 80202-2466

7. Respondent further agrees and consents that if Respondent fails to pay the penalty amount within 30 days of receipt of the final order, the full penalty amount proposed in the Complaint shall become due and owing by Respondent. Furthermore, interest on the penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of twenty dollars (\$20.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of ten dollars (\$10.00) imposed for each subsequent 30-day period until the payment due is made. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days after receipt of the final order.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CAA and its implementing regulations.

9. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

10. Nothing in this Consent Agreement shall be construed as a waiver by the U.S. EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

12. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind the party he/she represents to the terms and conditions of this Consent Agreement.

13. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

14. Each party shall bear its own costs and attorneys fees in connection with this matter.

15. This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint

16. In consideration of the payment by Respondent of the civil penalty in the amount of seventy-seven thousand (\$77,000.00), the U.S. EPA hereby releases and covenants not to sue Devon, its respective successors, assigns, affiliates, officers, directors, employees and representatives as to any civil claims or civil causes of action whatsoever concerning the violations alleged in the Complaint.

In the Matter of Devon SFS Operating, Inc.,

Docket No.CAA-08-2002-10

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION VIII,
Complainant.

Date: 01/15/03 By: SIGNED

Carol Rushin, Assistant Regional
Administrator, Office of
Enforcement, Compliance and
Environmental Justice

Date: 01/14/03 By: SIGNED

David J. Janik,
Senior Enforcement Attorney
Administrative Litigation
Legal Enforcement Program

Date: 01/13/03 By: SIGNED

Marc Weiner
Enforcement Attorney
Legal Enforcement Program

Authorized Representative for:
DEVON ENERGY PRODUCTION COMPANY,

L.P., successor in interest to
DEVON SFS OPERATING, INC.

Respondent.

Date: 01/09/03

By: Duke R. Ligon,

Duke R. Ligon
Vice President/General Manager

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **DEVON SFS OPERATING, INC.**, **DOCKET NO.: CAA-08-2002-10** was filed with the Regional Hearing Clerk on January 21, 2003.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Marc Weiner, Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Kevin D. Huber, Esq.
Margo Harlan Sabec, Esq.
William, Porter, Day & Neville, P.C.
159 North Wolcott, Suite 400
P. O. Box 10700
Casper, WY 82602-3902

and pouch mailed to:

Judge William B. Moran
Office of Administrative Law Judges
U. S. EPA (1900L)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

January 21, 2003

SIGNED

Tina Artemis
Regional Hearing Clerk